

Exhibit D

Vilia M. Dedinas

From: Eric Grossman [egrossman@bbn-law.com]
Sent: Thursday, April 22, 2010 5:18 PM
To: Vilia M. Dedinas
Cc: Alan R. Borlack; 'David Muschler'
Subject: Re: E discovery/united central bank v kanan

Vilia,

Your email and attachment sent at 9:16 am today presents a number of concerns regarding appropriate e-discovery process, procedures and completion. We cannot reach much less approach any conclusion that the referenced collection of emails is whole, complete or appropriate given that all that UCB has established is a collection of custodian emails. Though this is not by any means complete or exhaustive, we note the following:

1. Gross email file size does not provide useful information. We need to know the number of messages within the appropriate date range for each custodian. The current date range per UCB objections to our discovery request is June 22, 2006 to present.
2. Regardless of gross email file size, we expect e-discovery production by UCB to comply with our request for documents which is why on March 22, 2010 we provided search terms germane to the requests.
3. We note that custodian email production alone is a patently incomplete collection and production absent identifying user computers from which data was obtained. In this connection, home directories of each of the identified user computers need to be imaged and produced.
4. Please verify that all hard drives from which data has been or is to be collected have been imaged, just as we are to image Kanan's drives at your request.
5. Custodian hard drives will also contain (aside from emails) documents and spreadsheets, including memos, drafts, etc and so requires search and retrieval of documents, not just emails, from custodian hard drives. I presume you are aware of the importance of this aspect of e-discovery.

Eric

Eric Grossman
Bailey Borlack Nadelhoffer LLC
135 South LaSalle St., Suite 3950
Chicago, IL 60603
312.629.1772
312.629.0174 (fax)
312.607.1503 (cell)

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